



Order Filed on May 20, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**Caption in Compliance with
D.N.J.LBR 9004-1**

STEWART LEGAL GROUP, P.L.

Formed in the State of Florida

Gavin N. Stewart, Esq.

Of Counsel to Bonial & Associates, P.C.

401 East Jackson Street, Suite 2340

Tampa, FL 33602

Tel: 813-371-1231/Fax: 813-371-1232

E-mail: gavin@stewartlegalgroup.com

Attorney for Creditor

In re:

Francis D. Avella

aka Frank Avella

Debtor.

Chapter 13

Case No. 18-30162-VFP

Hearing Date: January 21, 2021

Judge Vincent F. Papalia

**CONSENT ORDER RESOLVING MOTION TO
VACATE AUTOMATIC STAY AND CO-DEBTOR STAY**

The relief set forth on the following pages is hereby **ORDERED**.

DATED: May 20, 2021

A handwritten signature in black ink, appearing to read "Vincent F. Papalia", is written over a horizontal line.

**Honorable Vincent F. Papalia
United States Bankruptcy Judge**

Debtor: Francis D. Avella
Case No.: 18-30162-VFP
Caption of Order: **CONSENT ORDER RESOLVING MOTION TO VACATE
AUTOMATIC STAY AND CO-DEBTOR STAY**

THIS MATTER having been opened to the Court upon the Motion to Vacate Automatic Stay and Co-Debtor Stay (“Motion”) filed by Specialized Loan Servicing LLC as servicing agent for Deutsche Bank National Trust Company, as Trustee of the IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 under the pooling and servicing agreement dated September 1, 2004 (“Creditor”), whereas the post-petition arrearage amount was \$5,750.94, as of May 14, 2021, and whereas the Debtor and Creditor seek to resolve the Motion, it is hereby **ORDERED**:

1. The automatic stay provided under 11 U.S.C. §362(a) shall remain in effect as to Creditor’s interest in the following property: **4306 Newkirk Avenue, North Bergen, New Jersey 07047** (“Property”) provided that the Debtor complies with the following:

- a. On or before May 31, 2021, the Debtor or any agent of Debtor shall tender a lump sum payment in the amount of \$5,750.94; and
- b. In addition to the above, the Debtor shall resume making the regular monthly payments to Creditor as they become due beginning with the June 1, 2021 payment.

2. All direct payments due hereunder not otherwise paid by electronic means and/or automatic draft, shall be sent directly to Creditor at the following address: **Specialized Loan Servicing LLC, 6200 S. Quebec Street, Greenwood Village, CO 80111.**

3. The Debtor will be in default under the Consent Order in the event that the Debtor fails to comply with the payment terms and conditions set forth in above Paragraphs and/or if the Debtor fails to make any payment due to Creditor under the Chapter 13 Plan.

4. If the Debtor fails to cure the default within thirty (30) days from the date of default, Creditor may submit a Certificate of Default to the Court on fourteen (14) days' notice to counsel for Debtor and the Chapter 13 Trustee for an order lifting the automatic stay imposed under 11 U.S.C. § 362(a) permitting Creditor to exercise any rights under the loan documents with respect to the Property.

5. Creditor is awarded reimbursement of attorney fees and costs in the amount of \$350.00 and \$181.00 respectively, to be paid through the Chapter 13 Plan.

STIPULATED AND AGREED:

/s/ Kevin Delyon

Kevin Delyon, Esq.
7 Glenwood Ave
Suite #408, 4th Floor
East Orange, NJ 07017
Counsel for Debtor

/s/ Gavin N. Stewart

Gavin N. Stewart, Esq.
Stewart Legal Group, P.L.
401 East Jackson Street, Suite 2340
Tampa, FL 33602
Counsel for Creditor

In re:
Francis D Avella
Debtor

Case No. 18-30162-VFP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: May 21, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|------------|
|--------|------------|

| | |
|---|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |
|---|--|

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 23, 2021:

| Recip ID | Recipient Name and Address |
|----------|---|
| db | + Francis D Avella, 4306 Newkirk Avenue, Apartment#1, North Bergen, NJ 07047-2710 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 23, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 21, 2021 at the address(es) listed below:

| Name | Email Address |
|----------------------|--|
| Denise E. Carlon | on behalf of Creditor Specialized Loan Servicing as Servicer for Deutsche Bank National Trust Company as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com |
| Denise E. Carlon | on behalf of Creditor Specialized Loan Servicing LLC as servicer for Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com |
| Douglas J. McDonough | on behalf of Creditor The Bank of New York Mellon f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 DMcDonough@flwlaw.com |
| Gavin Stewart | on behalf of Creditor Specialized Loan Servicing LLC bk@stewartlegalgroup.com |
| Herbert B. Raymond | on behalf of Debtor Francis D Avella herbertraymond@gmail.com |

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: May 21, 2021

Form ID: pdf903

Total Noticed: 1

raymondmail@comcast.net;bankruptcyattorneys@comcast.net;herbertraymond@gmail.com;carbonell_c@hotmail.com;kdelyon.ra
ymond@gmail.com;herbertraymond5967@yahoo.com;raymondlaw5622@gmail.com;courtemails789@gmail.com

Marie-Ann Greenberg

magecf@magtrustee.com

Melissa N. Licker

on behalf of Creditor Deutsche Bank National Trust Company as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10,
Mortgage Pass-Through Certificates, Series 2004-AR10 Under the Pooling and Servicing Agreement Dated Se
NJ_ECF_Notices@mccalla.com, mccallaecf@ecf.courtdrive.com

Melissa N. Licker

on behalf of Creditor Specialized Loan Servicing LLC as servicer for Deutsche Bank National Trust Company, as Trustee for
IndyMac INDX Mortgage Loan Trust 2004-AR10 NJ_ECF_Notices@mccalla.com, mccallaecf@ecf.courtdrive.com

Melissa N. Licker

on behalf of Creditor Deutsche Bank National Trust Company as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10,
Mortgage Pass-Through Certificates, Series 2004-AR10 as serviced by Specialized Loan Servicing, LLC
NJ_ECF_Notices@mccalla.com, mccallaecf@ecf.courtdrive.com

Sean M. O'Brien

on behalf of Creditor The Bank of New York Mellon f/k/a The Bank of New York, as trustee, on behalf of the holders of the
Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 DMcDonough@flwlaw.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11